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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/695,352 | 10/29/2003 | Youn-Gun Jung | 1349.1290 | 5992 |
| 21171 | 7590 | 02/10/2005 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EVANISKO, LESLIE J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,352

Applicant(s)

JUNG ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 4 is/are allowed.
- 6) ☒ Claim(s) 5,6 and 27 is/are rejected.
- 7) ☒ Claim(s) 7-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/29/03 & 11/12/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The replacement sheet of drawings was received on November 12, 2004.

These drawings are approved by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,669,191 B2)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Lee teaches a paper discharge unit used with an inkjet printer which ejects a sheet out of a printer main body comprising a paper discharge roller 20 rotatably mounted in the printer main body to feed the sheet out of the printer main body, a paper discharge guide 35 pivotably mounted downstream of the paper discharge roller 20 in a direction the sheet is fed, to guide the bottom face of the sheet ejected from the paper discharge roller, and a driving unit 40, 50, 60 to pivot the paper discharge guide in order for an upper end portion of the paper discharge guide to be disposed higher than a contact surface between the paper discharge roller and the sheet as the sheet is being discharged from the paper discharge roller. See Figures 2 and 4 in particular.

With respect to claim 6, note the paper discharge unit of Lee includes a support member 33 supporting the paper discharge guide 35, rotating members 31 rotatably mounted in the printer main body and supporting the support member and a rotating unit 50 rotating the rotating members so the paper discharge guide ascends and descends in association with the sheet feeding.

4. Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by Tanno (US 6,634,745 B2). Tanno teaches a paper discharge unit **104** used with an inkjet printer **101** which ejects a sheet of paper **P** on which image

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printing is completed by an ink cartridge **7** having a nozzle part **70** out of a printer main body, comprising a paper discharge roller **41** mounted in the printer main body to feed the sheet out of the printer main body, a paper discharge guide **102** disposed downstream of the paper discharge roller in a direction the sheet is fed to guide a front end of the sheet upward just after the front end is ejected from the paper discharge roller so a rear end of the sheet is prevented from being lifted into contact with the nozzle part of the ink cartridge, and a member (i.e., platen 34) mounted opposite to and spaced from the nozzle part to prevent substantially all of the rear end of the sheet from descending away from the nozzle part. See Figures 3-4, 6 and 7 and column 8, lines 14-43 and column 11, lines 27-40 in particular.

Allowable Subject Matter

5. Claims 1-2 and 4 are allowed.
6. Claims 7-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note the previous comments set forth in the Office Action dated August 11, 2004 with regards to the reasons for indicating allowable subject matter with respect to claims 7 and 23.

Response to Arguments

7. Applicant's arguments with respect to claims 5-6 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

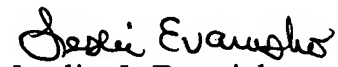
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone

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number is **(571) 272-2161**. The examiner can normally be reached on M-Th
7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168.
The fax phone number for the organization where this application or
proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
PAIR. Status information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system, see
<http://pair-direct.uspto.gov>. Should you have questions on access to the
Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-
9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
February 5, 2005